

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

VIDEOSHARE, LLC	§	
<i>Plaintiff,</i>	§	Case No. 6:21-CV-00254-ADA
	§	
v.	§	JURY TRIAL DEMANDED
	§	
FACEBOOK, INC.,	§	
<i>Defendant.</i>	§	
	§	

**PLAINTIFF’S PRELIMINARY INFRINGEMENT CONTENTIONS**

Plaintiff VideoShare, LLC hereby serves its Preliminary Infringement Contentions regarding U.S. Patent No. 10,362,341 (“’341 Patent”). Plaintiff’s analysis is preliminary and based largely on publicly available information; therefore, Plaintiff reserves the right to supplement, amend, or modify these contentions following discovery from Defendant and third parties, additional investigation, or rulings by the Court (including claim construction).

**I. Asserted Claims**

Plaintiff alleges that Defendant directly infringes at least claims 1-7 of the ’341 Patent by making, using, selling, and/or offering for sale products and/or services for receiving, converting, and sharing streaming video made by practicing and by performing processes that practice the ’341 Patent, including Defendant’s products and/or services marketed as Facebook Live, Facebook Watch, and Instagram, which are made, used, sold, or offered for sale by Facebook, as well as Facebook’s standard video upload and streaming offerings (collectively, the “Accused Instrumentality”).

Each element of each asserted claim of the '341 Patent is considered to be literally present in the Accused Instrumentality, or, in the alternative, is present under the doctrine of equivalents.

## **II. Claim Chart**

Attached hereto as Exhibit A, and incorporated by reference herein, is a claim chart identifying where each element of the asserted claims of the '341 Patent is found in the Accused Instrumentality.

## **III. Priority**

The '341 Patent claims priority to U.S. Provisional Patent Application No. 60/147,029, filed on August 3, 1999. More specifically, the '341 Patent is a continuation of U.S. Patent Application No. 15/618,304, filed on June 9, 2017 and now U.S. Patent No. 10,225,584, which is a continuation of U.S. Patent Application No. 15/094,411, filed on April 8, 2016, which is a continuation of U.S. Patent Application No. 14/597,491, filed on January 15, 2015, which is a continuation of U.S. Patent Application No. 13/909,876, filed on June 4, 2013 and now U.S. Patent No. 8,966,522, which is a continuation of U.S. Patent Application No. 09/631,583, filed on August 3, 2000 and now U.S. Patent No. 8,464,302, which is a continuation-in-part of U.S. Patent Application No. 09/497,587, filed on February 3, 2000, which claims priority to U.S. Provisional Patent Application No. 60/147,029.

Additionally, Plaintiff believes that the methods claimed by the '341 Patent were conceived by the inventors around December 1998, when Plaintiff's predecessor (AllCam) began building a video streaming service to allow users to upload their video files and share them as streaming video files, which eventually became the VideoShare service. *See, e.g.*, VS0000271-280.

#### IV. Documents

A copy of the '341 Patent file history is being concurrently produced. *See* VS0000001-222. Additionally, documents evidencing conception and reduction to practice for each claimed invention include at least the documents bates labeled VS0000271-438.

Dated: July 7, 2021

Respectfully submitted,

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**COUNSEL FOR PLAINTIFF  
VIDEOSHARE, LLC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on July 7, 2021 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ William D. Ellerman

William D. Ellerman